

REMARKS/ARGUMENTS

The present Amendment is in response to the Examiner's Office Action mailed June 3, 2003. Claims 1-20 were pending in the present application. By this amendment, claims 13 and 16 are cancelled, and claims 1, 2 and 15 are amended. No new matter has been added. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Claims 1-12, 13, 14 and 17-20 are currently under consideration. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Information Disclosure Statement

Applicants note that three non-patent literature documents were not available for the Examiner and were not initialed on Form-1449 for consideration. Two of the documents are submitted herewith for the Examiner's consideration.

Specification

On page 27, lines 3-4, Example 3 has been renumbered as Example 2 to correct the informality noted by the Examiner.

Rejections Under 35 U.S.C. § 112

Claims 13, 14, 15 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicants cancel independent claim 13 (and claim 16 which depends therefrom). The rejection of claim 13 is moot.

The Examiner objects to the term "quenching" in claim 14. Applicants respectfully traverse and submit that "quenching" is a term that is well-known in the art. Further, the term is used in the Specification on page 9, line 9, page 14, line 5 and page 16, lines 11-20 and its meaning as used in these contexts are apparent to one of skill in the art. In particular, Applicants note that page 14, lines 4-5 of the Specification explains: "a high temperature melt is *quenched (cooled quickly)* to solidify without crystallization to a vitreous glass." (emphasis added). Withdrawal of this ground for rejection of claim 14 is respectfully requested.

The Examiner objects to the statement "dissolving at least one of the substituted carbohydrate" in claim 15. In response Applicants amend dependent claim 15 to delete the language comprising the objected-to phrase "effective in *dissolving at least one of the substituted carbohydrate* and the substance; and ii) evaporating the solvent" Withdrawal of this ground for rejection of claim 15 is respectfully requested.

The Examiner has provided no reason why claim 17 is objected to. Accordingly, Applicants are unable to respond to the objection to claim 17 under 35 USC §112. If there are no specific grounds for objection, Applicants respectfully request withdrawal of the rejection of claim 17.

Double Patenting

Claims 3-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,352,722.

In response, Applicants file a terminal disclaimer over U.S. Patent No. 6,352,722 and request withdrawal of this ground of rejection claims 3-8.

35 USC § 102

The Examiner rejects claim 1 over Chortyk (WO 96/01832). Chortyk discloses a disaccharide encompassed by formula 2 where R group comprises 6-12 carbon atoms.

In response, Applicants amend claim 1 to specify "a composition" comprising the substituted carbohydrate and "a therapeutic agent." The amendment is supported throughout the Specification and in particular on page 8, lines 6-11, and page 15, lines 29-31.

Chortyk teaches sugar esters for the control of soft-bodied arthropods and does not teach or suggest any composition comprising the substituted carbohydrate and "a therapeutic agent" as specified in amended claim 1. Claim 2, which depends from claim 1, is amended solely to reflect the amended language of claim 1. No new matter is added. Therefore, Applicants respectfully request withdrawal of these grounds of rejection of claim 1, as amended.

CONCLUSION

In light of the amendments and arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent and respectfully request the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. (263742002301).

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Respectfully submitted,

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